

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2002-090817

01/23/2007

HON. MICHAEL O. WILKINSON

CLERK OF THE COURT
D. McGraw
Deputy

IN RE THE MARRIAGE OF
PAMELA JEAN FOWLER

THOMAS E KONIUSZY

AND

CHRISTOPHER MARTIN KOCHER

JANET R FEELEY

UNDER ADVISEMENT RULING

This matter having been under advisement, the Court makes the following findings and orders.

Petitioner has moved to dismiss the Petition to Modify Parenting Time stating that this is identical to a previous petition which had been denied.

IT IS ORDERED denying the motion to dismiss. The Court finds from the evidence that Respondent had new evidence to present to the Court which did not exist at the time of the last hearing, thus allowing for a new hearing on the issue.

As to the issues involved in the hearing, the Court finds that the testimony of Dr. Steven Fox is insufficient to make a change in the Court's prior order. Therefore,

IT IS ORDERED denying the petition to Modify Parenting Time. Dr. Fox's testimony is inadequate on the issues involved. As the testimony of Dr. Joel Parker pointed out, Dr. Fox needed to have the background records from St. Luke's Hospital as well as an accurate history of Mr. Kocher's use of Prozac as an appropriate medication.

The Court will entertain a renewed motion to modify the parenting time when Mr. Kocher avails himself of a complete evaluation from a psychiatrist who is provided with the

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complete history of the hospitalization at St. Luke's and Mr. Kocher's medical history. It's critical for the Court's decision for the psychiatrist to indicate to the Court whether there is a present need for Mr. Kocher to be on medication for a bi-polar disorder. Once Mr. Kocher has evidence that he is not in need of medication, he may re-file his petition to modify parenting time.

FILED: Exhibit Worksheet.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.